



17 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

J. Ernest Kenney
Bacon & Thomas, PLLC
625 Slaters Lane - Fourth Floor
Alexandria, Virginia 22314-1176

In re Application of	:	
HAGHIRI, et al.	:	
Application No.: 09/926,011	:	DECISION ON PETITION
PCT No.: PCT/EP00/01273	:	
Int. Filing Date: 16 February 2000	:	UNDER 37 CFR 1.42
Priority Date: 17 February 1999	:	
Attorney Docket No.: HAGH3003/JEK	:	
For: PORTABLE DATA SUPPORT WITH A	:	
REMOVABLE MINI CHIP CARD	:	

This decision is in response to applicant's "New Submission Under 37 C.F.R. § 1.42 And Request For Reconsideration" filed 21 October 2002 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 August 2002, applicant was mailed a communication informing applicant that the declaration filed 06 March 2002 failed to comply with 37 CFR 1.497(a)-(b) and that the "Notification Of Acceptance of Application" (Form PCT/DO/EO/903) mailed 27 March 2002 was being vacated. Applicant was afforded two months to file any request for reconsideration.

On 21 October 2002, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

As stated in the decision mailed 23 August 2002, the declaration filed 06 March 2002 was executed by Toubha HAGHIRI, Szahara HAGHIRI and Mana HAGHIRI as heirs of the deceased inventor, Yahya HAGHIRI. However, neither the declaration nor the transmittal letter declared that they are all the heirs of the deceased. In addition, the declaration was not in compliance with 37 CFR 1.497 (a)-(b) in that it was unclear whether the declaration was setting forth the

residence, post office address and country of citizenship of Yahya HAGHIRI or the heirs as required under 37 CFR 1.497(b).

Applicant has presently submitted a statement from counsel that the heirs listed represent all the heirs of the deceased inventor and that a legal representative will not be appointed for the subject estate. Applicant has thus satisfied this requirement.

The presently filed declaration cannot be accepted. The originally filed declaration and the present renewed request identify Touba HAGHIRI, Szahara HAGHIRI, Sina HAGHIRI and Mana HAGHIRI as heirs of the deceased inventor, Yahya HAGHIRI. However, the filed declaration does not include a signature box or signature for either Szahara HAGHIRI or Mana HAGHIRI. As such, it is not possible to accept the declaration or grant applicant's renewed request for status under 37 CFR 1.42 at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **DISMISSED**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Petition Under 37 CFR 1.42." No petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter directed to the attention of the PCT Legal Office.



Leonard Smith
Legal Examiner
PCT Legal Office



Derek A. Putonen
Attorney Advisor
PCT Legal Office
Telephone 703-305-0130
Fax: 703-308-6459